

2005 Kentucky General Assembly

Legislative Summary March 23, 2005

This is a report on significant actions taken during the 2005 Legislative Session related to postsecondary education and the Council on Postsecondary Education.

HB 267 - 2004-06 Budget

Initiatives listed in the budget that require Council action (see budget analyses for detailed information on appropriations):

- **Kentucky Data Research Initiative** – The budget bill includes language that creates a partnership between K-12 and postsecondary education research institutions “to maximize research capabilities through computer resources.” No funding was included.

According to the budget bill, “The purposes of the data research initiative are to expand the availability of computing resources not available at the research institutions at a relatively low cost, to do education outreach to students and teachers in Kentucky's K-12 system, to expand the research institutions' presence throughout the state, and to maximize the use of computer assets that have already been purchased in K-12 systems but are often underused.” The initiative builds on a pilot project initiated by DataSeam, a not-for-profit technology company based in Louisville.

The language in the bill calls on the KDE Commissioner and CPE President by December 1, 2005, to “convene appropriate postsecondary education and elementary and secondary educators and administrators to determine how this initiative might be developed, funded, and utilized to enhance research capabilities in the sciences and health-related fields or other appropriate fields of research.”

- **Kentucky Science and Technology Corporation** – Language in the budget calls on the Kentucky Science and Technology Corporation to “submit an annual plan detailing the annual allocation of funds from the Science and Technology Funding Program, excluding funds for the Knowledge-Based Economy Academic Programs.” The Council and the Office of the Commissioner for the New Economy within the Cabinet for Economic Development are to review and approve the plan prior to the Council on Postsecondary Education executing a contract with KSTC. This language has been included in previous budget bills.
- **Meadowbrook Dairy Research and Education Center** – Language in the budget provides \$270,000 in fiscal year 2005-06 for project design of a joint dairy merger involving the University of Kentucky and Eastern Kentucky University. The resulting dairy research and education center will be located at the Meadowbrook Farm near the Eastern Kentucky University campus, will be owned by the university, and will be called the EKU/UK Dairy Research and Education Center. A Memorandum of Understanding must be developed to document the intent of each university to combine existing resources to relocate the University of Kentucky's dairy to this new facility.
- **Tuition Affordability** – Language in the budget bill calls on the Council on Postsecondary Education to “endeavor to minimize tuition increases to the extent possible and maintain Kentucky's

affordability in providing postsecondary education for Kentuckians.” This language has been included in previous budget bills.

- **Biotechnology Program in Shrimp Production** – Language in the budget bill provides operating and bond funds through the Council’s Research Challenge Trust Fund for the purpose of establishing a Biotechnology Program in Shrimp Production. The language calls on UK, WKU, and KSU to “develop a plan to develop and market the shrimp industry in Kentucky.”

Sygen International, a world leader in combining quantitative genetics and biotechnology to animal selection and breeding, is the primary advocate for the initiative. Sygen’s global R&D for molecular multi-species research (specifically marine shrimp research) is located in Franklin, Kentucky. The company is partnering with WKU, KSU, and UK to expand both pure and applied research related to genetics, agriculture, and aquaculture. Sygen plans to expand the cohort of research scientists, as well as explore potential additional commercialization opportunities within Kentucky. In addition the company has made a commitment to WKU to enhance existing faculty positions at that campus.

The language in the bill calls on the Council and the Department of Innovation and Commercialization for a Knowledge-Based Economy to review the plan, monitor its implementation, and report its findings quarterly to the Interim Joint Committee on Appropriations and Revenue and the Secretary of the Finance and Administration Cabinet.

- **Federal Research Laboratory** – The budget bill includes language that calls on a number of government agencies, including the Council on Postsecondary Education, to provide technical assistance and pool resources as necessary for the purpose of recruiting a federal research laboratory to the Commonwealth. This language has been included in previous budget bills.

Other Bills

SB 2 (Mongiardo) – An Act Relating to Health Information

This legislation, or legislation similar to it, has been introduced the past two legislative sessions. The primary goal is to employ the resources available in information technology to improve or enhance health care delivery systems across the Commonwealth.

- Creates the Kentucky Health Care Infrastructure Authority to be jointly operated by the University of Kentucky and the University of Louisville. Responsibilities of the authority include conducting research on health information electronic applications, conducting pilot projects, and serving as a forum for the exchange of ideas and consensus building related to the advancement of the health information infrastructure and health care applications. It permits the authority to seek federal and private funding.
- Creates the Kentucky e-Health Network Board to oversee the development, implementation, and operation of a statewide electronic health network of voluntary participants. The network allows for secure exchange of needed information among authorized health care providers, third-party payers, and patients, with information being exchanged in real time when feasible. The board is attached to the Cabinet for Health Services for administrative purposes. The president of the Council, or a designee, is an ex-officio member of the board. The presidents of UK and UofL, or their designees, serve as co-chairs.

SB 19 (Kelly) – Read to Achieve Act of 2005

This legislation also was introduced in the last session. It is a broad-based literacy bill designed to improve the reading skills of Kentucky's elementary school students.

- Creates a Reading Diagnostic Fund (replaces the early reading incentive fund) administered by the Department of Education to provide two-year grants to schools to help teachers improve pedagogy skills and strengthen reading programs.
- Creates the Reading Diagnostic and Intervention Grant Steering Committee (replaces the Early Reading Incentive Grant Steering Committee), which acts as an advisory body to KDE on the distribution of the Reading Diagnostic Fund. The president of the Council, or designee, serves on this committee.
- Clarifies the responsibilities of the Collaborative Center for Literacy Development (currently housed at UK) and emphasizes the research mission of the center. As existing language notes, the Council, in consultation with KDE, is charged with developing “a process to solicit, review, and approve a proposal for locating the Collaborative Center for Literacy Development at a public institution of postsecondary education.” New language specifies that the Council, in consultation with the center, “shall establish goals and performance objectives related to the functions” in section 5 of the bill.

SB 124 (Guthrie) – An Act Related to the UK Board of Trustees

Permits one of the members of the University of Kentucky Board of Trustees to reside outside of Kentucky.

SB 134 (Stivers) – An Act Related to the Governor's Scholars Program

Moves the Governor's Scholars Program out of the Education Cabinet and attaches it to the Governor's office for administrative purposes. Increases program accountability. The president of the Council on Postsecondary Education is to serve as an ex-officio member of the Governor's Scholars Board.

HB 77 (Graham) – Public Records Legislation

- Requires the Attorney General to distribute open meeting and open records information to public university presidents, among others. Requires public university presidents to further distribute information to board members (within 60 days of receipt of information). Requires signatory proof that each board member has received information.
- The bill was amended in the Senate to include a provision that exempts donated “public or private records having historic, literary, artistic, or commemorative value accepted by the archivist of a public university, museum, or government depository” from the open records laws.

HB 93 (Moberly) – Improving Student Achievement

A version of this literacy bill was introduced last session. It was amended in the last days of the current session to build in the provisions of Senator Dan Kelly's mathematics achievement bill (SB 64). HB 93 does the following:

- Creates the Committee for Mathematics Achievement for the purpose of developing a strategic plan to improve mathematics achievement at all levels. Among the charges of the committee is to design a professional development program that includes summer mathematics institutes at colleges and universities beginning no later than June 1, 2006. The committee is attached to KDE for administrative purposes. The president of the Council, or his designee, is a member of the committee. The committee also includes a math or math education faculty member from each of the public institutions, whose selection must be approved by the CPE president and the KDE commissioner, and two adult education providers chosen by the vice-president for Kentucky Adult Education.
- Creates the Mathematics Achievement Fund to provide “developmentally appropriate diagnostic assessment and intervention services to students.” The fund also supports the Center for Mathematics (see below). Any funding for this center will be appropriated to the Council on Postsecondary Education and distributed to the university administering the center.
- Creates the Center for Mathematics to make available professional development for teachers, act as a clearinghouse for PD information, collaborate with Kentucky’s public and private colleges and universities, and maintain a demonstration and training site for mathematics located at each of the public universities. The center will be housed at a public postsecondary institution, chosen by the Council on Postsecondary Education through an RFP process, no later than January 1, 2006.
- Expands the scope of the Teachers’ Professional Growth Fund to include grants to colleges and universities to develop statewide professional development institutes and other PD services. The bill stipulates that the first priority of funds from 2006-09 will be the training of reading and mathematics mentors through the summer institutes referenced earlier in the bill.

HB 239 (Belcher) – An Act Relating to KCTCS

Transfers the governance and management responsibilities for Lexington Community College from UK to KCTCS.

HB 272 (Hoover) – Tax Package

Creates a tuition tax credit for Kentucky residents who attend an eligible Kentucky institution. The credit shall be 25 percent of the federal credit allowable under Section 25A of the Internal Revenue Code. It is not allowed for expenses for graduate level course study. Any unused credit may be carried forward five years.

HB 269 (Brinkman) – Autism Spectrum Disorders

Creates the Kentucky Commission for Autism Spectrum Disorders to “develop a comprehensive state plan for creating an integrated system of training, treatments, and services for individuals of all ages with an ASD.” The president of the Council, or a designee, is a member of the commission.

HB 460 (Pullin) – KEES Administrative Changes

Moves all administrative responsibility of the Kentucky Education Excellence Scholarship program from the Council on Postsecondary Education to the Kentucky Higher Education Assistance Authority.

HCR 59-62 (Adkins) – CPE Confirmations

Resolutions confirming Phyllis Maclin, Kevin Canafax, Dan Flanagan, and Alois Moore to the Council on Postsecondary Education.

Bills of interest did not pass:

- SB 46 – Codifies Governor’s 2004 Executive Orders that: 1) move the Council on Postsecondary Education within the Education Cabinet and 2) establish the Department of Adult Education as an operating unit within the Council on Postsecondary Education. An amendment added in the House stipulates that the Council, KDE, and EPSB will be attached to the Cabinet for administrative purposes only.
- SB 196 - Changes the structure of the board of regents of the Kentucky Community and Technical College System to mirror the boards of regents for the regional universities, except that terms shall be limited to one year for faculty and non-teaching personnel regents instead of three.
- HB 13 - Makes forgery of an academic degree a Class D felony.
- HB 20 - Allows students at out-of-state institutions (if they are in states contiguous to Kentucky or in SREB states) to receive KEES awards if they are in a degree program not offered in Kentucky.
- HB 33 - Allows high school students with at least an 18 ACT to use KEES funds (up to \$750) to pay tuition for dual credit courses. The amount will be deducted from freshman year funds.
- HB 45 - Allows universities to issue agency revenue bonds (auxiliary or hospital) if authorized by the General Assembly.
- HB 55 - Requires public postsecondary institutions to reimburse the eligible dependents of disabled or deceased veterans if request for reimbursement is made within eight years of date of last fee paid.
- HB 96 - Requires public postsecondary institutions (encourages private institutions) to include credit card and debt education sessions as part of orientation. Directs CPE to promulgate regulations to regulate credit card marketing on public campuses.
- HB 118 - Changes process and requirements for approval of contracts. Redefines "MOA" to include federal grant agreements and agreements over \$1 million. Deletes all exemptions. Redefines “public service contract” to include contracts over \$1 million for public employee health care and deletes all exemptions. The bill sponsor negotiated an agreement with postsecondary institutions and other state agencies, which was included in a committee substitute.
- HB 203 - Requires that the minimum qualifications for admission to a public postsecondary institution shall require a person to be a U.S. citizen, national, or permanent resident, or meet other specified requirements. These requirements also apply to student aid eligibility.
- HB 245 - Creates a capital renewal account and requires deposits based on the value of a building acquired or proposed for construction or renovation. The Council staff has agreed to facilitate

conversations between the universities and Finance Cabinet staff after the session adjourns to develop a proposal that would be acceptable to all parties.

- HB 492 - Requires the Kentucky Higher Education Assistance Authority (KHEAA) to commit to provide a supplemental CATS award within the KEES program to eligible high school students receiving a "proficient" or "distinguished" score on a component of the CATS assessment.
- HB 502 - Requires the Council on Postsecondary Education to provide grants for adult education at the level funded for each adult served in the 1995-1996 year.
- HB 512 - Creates the Kentucky data research initiative, a partnership between elementary and secondary schools and postsecondary research institutions, to better utilize computer systems throughout the state. Some of the language of this will was included in the budget (see above).
- Several bills related to embryonic and adult stem cell research were introduced, but not heard.